

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: PORK ANTITRUST LITIGATION

Civil No. 18-1776 (JRT/JFD)

This Document Relates To:

THE COMMERCIAL AND INSTITUTIONAL
INDIRECT PURCHASER PLAINTIFF ACTION

**ORDER GRANTING COMMERCIAL AND
INSTITUTIONAL INDIRECT PURCHASER
PLAINTIFFS' MOTION TO APPROVE THE
MANNER AND FORM OF CLASS NOTICE**

Commercial and Institutional Indirect Purchaser Plaintiffs filed a Motion to Approve the Manner and Form of Class Notice, seeking the Court's approval to disseminate notice of the Court's order certifying damages and injunctive relief litigation classes in this matter. (Mot. at 1, June 21, 2024, Docket No. 2388.) Defendants do not oppose the motion. (Meet and Confer Statement at 1, June 21, 2024, Docket No. 2389.) Because the Court finds that the notices and notice plan satisfy the requirements of Federal Rule of Civil Procedure 23(c)(2)(B) and due process, **IT IS HEREBY ORDERED** that the Motion [Docket No. 2388] is **GRANTED** as follows:

1. Commercial and Institutional Indirect Purchaser Plaintiffs ("CIIPPs") propose using notices and a notice plan to advise potential Class members of their rights and options in this litigation. The proposed notice plan set forth in the Motion and the supporting declarations is substantially similar to the previously approved plans and complies with Federal Rule of Civil Procedure ("Rule") 23(c)(2)(B) and due process, as the

proposed notice plan constitutes the best notice that is practicable under the circumstances, including individual notice via email to members who can be identified through reasonable effort and cost. The direct email notice will be supported by reasonable publication notice to reach potential members of the Classes who could not be individually identified.

2. The proposed notice documents attached to the declaration of Cameron Azari and their manner of transmission comply with Rule 23(c)(2)(B) and due process. (*See Decl. Cameron R. Azari, June 21, 2024, Docket No. 2391.*) The Court has reviewed these notices. The notices use neutral language to describe: (1) the nature of the action; (2) the definition of the certified classes; (3) the claims and issues related to the lawsuit; (4) class counsels' identity and contact information; and (5) the binding effect of a judgment on class members. The proposed notices also tell class members that they can opt out of the classes by requesting an exclusion before the deadline, sets out the consequences of opting out, and informs them that if they opt out, they may bring their own case through their own attorney, if desired. Except for those potential members of the Damages Class who file a timely and proper request for exclusion, all class members who fit the description of the certified classes will be deemed members of the Damages and Injunctive Relief Classes for all purposes in this action. All members of the Damages and Injunctive Relief Classes shall be bound by the Court's Class Certification Order and by all subsequent proceedings, settlements, orders, and judgments in this action. In the

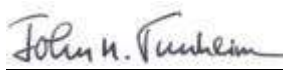
event of any further pretrial settlement(s), the Damages Class members may not be permitted an additional opportunity to opt out. No Damages Class member who elects to opt out of the Damages Class pursuant to these provisions will be entitled to relief under or be affected by any subsequent CIIPP Damages Class settlement, if any, or CIIPP Damages Class judgment in this action.

3. Non-substantive changes, such as typographical errors and the addition of dates, can be made to the notice documents without leave of the Court.

4. The Court sets the following deadlines with respect to class notice:

- a. **The Notice Start Date.** Within 14 days from the entry of this Order, Epiq / Hilsoft shall begin implementing the Notice Plan.
- b. **The Exclusion Deadline.** Class members who wish to opt-out of the classes shall request exclusion within 45 days from the Notice Start Date.
- c. **Deadline to inform the Court.** Class Counsel shall file a list with the names and addresses of every member who has opted out of the classes within 14 days of the Exclusion Deadline.

DATED: June 25, 2024
at Minneapolis, Minnesota.


JOHN R. TUNHEIM
United States District Judge